

# CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: December 5, 2006  
TO: Secretary Scott Hassett  
FROM: Chief Warden Randy Stark

SUBJECT: Significant concerns from the Warden Service regarding baiting and feeding of deer.

Many common themes converged from warden reports originating from all corners of the state that clearly suggest the Department take prompt and proactive steps to address the problems associated with baiting and feeding for deer.

The issues are as follows:

- Baiting and feeding results in the privatization of a public resource because it concentrates deer on the private property of those who can put out the most bait, most often. This removes opportunity from hunters of ordinary means who cannot afford to own land and bait. The resulting condition confronts the premise of the conservation ethic, that wildlife is owned by everyone, and everyone should have equal opportunity to enjoy it.
- Science has now confirmed what was heretofore inferred: that CWD can be transmitted via saliva and the artificial concentration of deer through baiting and feeding places our deer herd at higher risk of CWD. In light of this, it is incumbent on us to proactively work with the hunting community in Wisconsin to address the issues associated with deer baiting and feeding to protect the deer herd for future generations.
- Baiting and feeding alters natural movement patterns of the deer (often causing them to go nocturnal), it creates refuges for deer, and reduces opportunity to harvest deer by those who don't or bait. All of which frustrate population control efforts, frustrates hunters, and results in hunters baiting in "self defense".
- Baiting and feeding creates conflict between adjacent landowners and hunters on public lands. This in turn spawns unethical conduct and potentially dangerous emotional conflict between armed people.
- Baiting related issues are frequently the genesis of arguments between hunters on public lands. This leads to ruined hunting experiences and the escalation of conflict.
- Baiting and feeding creates vulnerability for opportunistic poaching of deer at night with lights at feeding stations associated with cabins and residences. Trophy bucks are often the target.
- Issues associated with baiting and feeding consume tremendous amounts of day and night enforcement time and operational resources of the warden service.
- An over-reliance on baiting as a hunting method is resulting in a generation of hunters who know no other way to hunt deer than sitting over a bait pile.

Four ingredients are needed to ensure the future of deer hunting: Healthy deer populations, hunters, access to a place to hunt, and a public that accepts hunting. Wardens are reporting issues associated with baiting and feeding deer that are adversely impacting all these factors directly or indirectly.

## **Baiting has been the leading violation for the last three years.**

Illegal use of bait was the number one violation for the third year in a row, with the number of baiting cases up 15% (from 221 cases in 2005 to 254 cases in 2006), and illegal feeding cases up 125% (from 20 cases in 2005, to 45 cases in 2006). Baiting represented 22% of the violations during the 2006 gun deer season.

## **Baiting is causing conflict.**

Baiting is often one of the contributing factors in an increasing amount and intensity of conflict among hunters and landowners on both public and private property.

### **Baiting has the potential to adversely impact the future health of the deer herd**

A healthy deer herd is a prerequisite to deer hunting. Given the recent scientific findings showing one of the ways Chronic Wasting Disease can be transmitted is through saliva, and the research and common knowledge of deer interactions at baiting and feeding locations, this alone should be sufficient to generate serious dialogue to call the question on prudence of continuing to allow baiting and feeding deer.

### **Baiting undermines the ability to control deer populations and privatizes the deer herd**

Baiting undermines the ability to control deer populations by concentrating deer on private property during the deer seasons. What is the difference between a fence and a continuous source of bait on the ground in terms of privatizing deer movements? One holds deer within an area through an artificial physical barrier; the other attracts and holds deer in an area through artificially fulfilling the number one item on physiological hierarchy of needs. In either case, the end result is not in the best interest of the future of hunting: deer movements are artificially controlled; many deer hunters of ordinary means have reduced access to a public resource; and the effectiveness of deer hunters, the number one tool in deer population control and management, is severely limited. Deer do not need to move when everything they need is provided on a small area of their range. Several years ago wardens heard loud and clear from hunters that they saw more deer the year deer baiting and feeding was banned because deer reverted back to natural movement patterns.

### **Baiting begets more baiting**

In talking to hunters, wardens have learned that widespread baiting has created a widespread reflexive response in the hunting community. The warden service has labeled this "baiting in self defense". Since hunters feel everyone else is baiting, they feel they need to do it also to at least attempt to level the playing field. Many hunters contacted would prefer not to bait, but they feel they it necessary to compete. They indicate that if everyone else stopped baiting, they would stop too.

### **Baiting makes deer, particularly trophy bucks, more vulnerable to poaching.**

Baiting creates a situation of vulnerability for wildlife, and opportunity for poachers who desire to exploit the resource. Wardens have seen an exponential increase in cabin shooting, a term we use to describe situations where people place out feed close a dwelling, illuminate the feed with a light, and illegally shoot deer at night from the dwelling. Many of these people focus on trophy bucks, thereby stealing opportunity from law abiding hunters. The recent Blue River Outfitters case is a great example – subtract baiting from that equation and the poachers in that case would not have been nearly as effective.

### **Baiting is consuming warden time that could be more productively used**

Wardens are spending tremendous amounts of time on issues relating to baiting and feeding. This is time that could be spent elsewhere if baiting and feeding were not consuming a growing amount of the financial and human resources in the warden service.

**CORRESPONDENCE/MEMORANDUM**

State of Wisconsin

DATE: December 5, 2007

FILE REF: 2006 Deer Season Report

TO: DNR Secretary Matt Frank

FROM: Chief Warden Randy Stark

SUBJECT: 2007 Nine Day Deer Gun Season Report

Excerpts from the 2007 Bureau of Law Enforcement Report for the 2007 Nine-Day Deer Gun Season.

**General Observations of Violations during the 2007 Deer Gun Season:**

- The number 1 violation was illegal use of bait, 331 cases. This represents a 30% increase over 2006 record of 254 violations. It is the highest number of violations recorded during the deer gun season.
- Total violations however increased by 9% to 1518 violations from 1394 violations in 2006, the highest number recorded since the year 2000.
- Overall, illegal baiting and feeding violations accounted for 27% of the total number of violations (413 of 1518)
- Feeding wild animal cases jumped to the number three spot in violations with 82 violations, up 82% over 2006.
- Shooting from vehicles and shooting from within 50 feet of a road type violations declined by 25% from 90 violations in 2006 to 68 in 2007.

**Top Ten Violations Encountered by Wardens during the 2007 Deer Gun Season**

Violation	2007	2006	2005	2004	2003 *	2002 **	2001	2000
Illegal use of bait	331	254	221	150	76	87	99	80
Feeding wild animals violations	82	45	20	27	16	28	0	0

\* Beginning in 2003, the penalty for illegal baiting was raised from \$208 to \$499  
(Currently a \$ 530 citation with maximum the court can impose being \$ 2,138)  
(See page 6 for more details on penalties provided from Years 2000 thru 2007)

\*\* First year there were rules regulating feeding for non-hunting purposes.

**ILLEGAL BAITING AND FEEDING – 2007 9-Day Gun Deer Season**

Over the past few years, warden reports have expressed concerns regarding baiting and feeding for deer. These concerns include the potential for disease transmission, altering natural movement patterns and influencing distribution of deer, cabin shooting, and conflict. These concerns remain. This segment of the report will attempt to succinctly and objectively convey information regarding warden experience in the field during the 2007 deer gun season. It is a combination of information including arrest and complaints, observations, and common themes in conversations hunters are having with wardens in the field related to baiting and feeding.

**Arrests**

Illegal baiting and feeding was by far the most prevalent violation encountered by wardens this year during the deer gun season. The number of illegal baiting violations increased to 331, up 30% from the 2006 record of 254. The number of illegal feeding violations increased 82%, from 45 to 82.

### Observations

- Wardens reported baiting and feeding violations were up considerably in the Northern, Northeast and West Central Regions, but have decreased a in the South Central and Southeast Regions where baiting and feeding has been illegal now for several years.

**Baiting and Feeding Cases by Region**

Region	Baiting Cases	Feeding Cases
Northern	147	25
West Central	76	31
Northeast	76	13
South Central	17	11
Southeast	15	2
<b>Total</b>	<b>331</b>	<b>82</b>

### Observations of Wardens:

- Some wardens are seeing increased efforts to conceal illegal baiting activity.
- Cabin shooting (shooting from a home or cabin at deer coming to feed or bait) continues to be a problem in the Northern region. In one instance, a warden received a complaint from a hunter who stated that on the opening weekend he heard eleven rifle shots between 6:30 PM and 9:00 PM in the vicinity of his cabin.
- With the smaller land parcels being bought by hunters and non-hunters, an increasing number of hunters are relying on bait to draw and hold deer on parcels that normally would not hold deer. There are also small parcel owners who feed the deer to see them. It seems that both entities have taken an ownership in the deer on these small wood lots – but for different reasons. Consequently, wardens are seeing competing motives and conflict between those non-hunting landowners who “feed” deer to hold the deer on their property to protect the deer, and those hunting landowners who “bait” deer to hold deer on their property to harvest them.
- Some hunters arrested for baiting violations knew the penalty was \$530, but chose to violate the law anyway; they thought they would not be apprehended so it was worth the risk.
- Some progress has been made regarding the size of the illegal bait piles. While these smaller piles are still often times 100’s of pounds in size, wardens report fewer “truck load” type illegal baits.
- Wardens are reporting an increasing pattern of people baiting illegally for several weeks before season and then reducing the size of the bait to legal amounts as the season nears.
- 203 of the 331 cases were made on the opening day, with the vast majority of those made opening morning. This is when wardens have the highest probability of finding someone on an illegally baited stand. The odds of finding someone hunting an illegally baited stand go down quickly after opening morning.
- With the increased use of trail cameras, wardens are seeing the use of trail cameras over baited areas contributing to some conflicts. This comes from hunters becoming very possessive of a baited area once they have photographic evidence that a large buck is coming to their baited stand. Some of these hunters then increase the amount of bait in an effort to hold the deer in the area, and become very territorial of the public land they are hunting on.
- Some wardens in the north reported conversations with hunters who expressed concern relating to the difference in laws between recreational feeding and baiting for hunting purposes. Concerns were expressed that the current rules allowing for feeding deer year round, and baiting only immediately before the archery season. The hunters explained they believe it creates a situation that serves to concentrate deer in subdivisions and private lands in the area, making the deer in areas not accessible to hunters.

## Conversations with Hunters in the Field

The following bullet points attempt to convey general themes of what wardens report hunters are telling them in conversations with wardens in the field.

- Wardens report they continue to hear hunters express frustration about baiting and feeding for deer.
- Wardens continue to hear the general perception that baiting and feeding is altering deer movement patterns during the season.
- Wardens continue to hear some hunters, both those on private property and those who hunt on public lands, that while they'd not otherwise bait, they feel they must place bait to compete and have an equal opportunity at harvesting deer.
- Wardens report concern from hunters that the baiting and feeding of deer is turning hunters against hunters.
- Wardens report that baiting and feeding has changed the nature of deer hunting in Wisconsin. Some wardens heard hunters express concern about some hunters redirecting their efforts away from learning knowledge of the woods to acquiring skills needed for competitive baiting.
- Wardens report they see conflicts between hunters over baiting and baited areas.

## Highlighted Cases

- Warden Dave Oginski Jr. and Deputy Warden Amy Martin contacted a Marinette County hunter on opening weekend that had out over 500 pounds of corn. The hunter also had apples and salt blocks on the property. The hunter had used large green garbage cans and filled them up to the top and cut a whole in the bottom to turn them into gravity feeders. Two other large containers were filled to the top and were placed on the property. The hunter had a total of seven cameras set up at the different bait piles. When contacted by the Warden Oginski and Deputy Warden Martin the hunter stated that everyone else is baiting. Warden Oginski explained the baiting laws and told the hunter that all of the bait needed to be removed. The hunter asked if he could just spread it around the property because it was too hard to pick up. Warden Oginski again told the hunter that all of the bait needed to be removed. Warden Oginski then returned later in the week to find that the hunter just spread the bait out all over the property. A second citation was issued and the hunter came back up the next day and removed all of the bait.
- On opening morning Warden Mike Stahl (Oconto Falls) made contact with a hunter in which we had a complaint that he had broadcasted corn in a cut corn field. Based on investigation the complaint facts seemed to be verified. The suspect was contacted opening morning of the deer season and acknowledged placing two 5 gallon buckets of corn. He said the rest bounced out of his gravity feed box. When asked why it was spread in circles he did not answer. One citation for hunting over illegal bait was issued.
- On the last weekend of the deer season Warden Mike Stahl (Oconto Falls) and Recreational Safety Warden Jeremy Cords (Green Bay) were in the Kelly Lake Area of Oconto County. While on foot, Warden Cords found illegal bait and noticed a loaded crossbow sticking out of a pit blind and pointing towards the bait site. A person was found in the pit blind dressed in full camouflage and hunting well after the legal hunting hours with no backtag. Charges are pending.
- Wardens Drake and Reed contacted a hunter in a tower stand in an area that was baited by corn. The hunter climbed out of the stand when he saw the wardens. The hunter was carrying a revolver and admitted to placing the corn. When Warden Reed climbed up into the stand, he observed a loaded .44 caliber rifle and a spotlight. This area is a shotgun only area and a County where baiting is prohibited. The hunter said he needed the rifle in case a deer was way down in the swamp.

- On Wednesday Wardens Mike Stahl (Oconto Falls) and Joe Paul (Lakewood) responded to a late hunting complaint where a suspect was to have shot twice after the 5:00pm News had started. Wardens met with the complainants and an illegal bait pile was found behind the trailer, but no deer or blood was found, the subject had left before wardens' arrival. A couple of days later, Warden Stahl and Recreational Safety Warden Jeremy Cords (Green Bay) watched the suspects' trailer. The suspect shined the baited areas twice after the legal shooting hours. He then left and was stopped in his vehicle. The investigation revealed the suspect shot at deer Wednesday after hours and hunted over illegally placed bait. It was also found that the subject was not a licensed deer hunter and that he could not get a license as he had never taken hunter education. Criminal charges are pending.
- Warden Joe Paul (Lakewood) had some information about a subject who shot a deer from his trailer over a lighted feeder at night with a crossbow. Wardens Paul and Ben Herzfeldt (Port Washington) walked the property and found the illegal feed site with a light over it. Wardens Paul and Herzfeldt drove by the residence again at 3:30AM and noticed the lights on inside the trailer house. Later that week, Warden Paul and Regional Warden Byron Goetsch (Green Bay) returned to the residence and contacted the subject. Investigation revealed that the subject in fact shot a doe with his crossbow at night over the lighted bait. The subject will be charged with hunt/shine deer with light while in possession and hunting with and crossbow and also with hunting after hours and hunting over illegal bait.
- Warden Matt Meade (Crivitz) received information regarding a man hunting without a license in Porterfield Township. The subject was also allegedly hunting illegally with a firearm due to recently being issued a restraining order with a firearm restriction. Warden Meade was joined by Wardens Joe Paul (Lakewood) and Dave Oginski, Jr. (Milwaukee) to assist with the investigation. Wardens contacted several hunters in the woods and with Warden Supervisor Robert Goerlinger assisting. Investigation revealed that two subjects were hunting without licenses; 1 hunter was hunting in camouflage non-blaze orange clothing, six were hunting over illegal bait piles (over two gallons in size) and 1 subject was hunting without a backtag. Wardens seized two rifles and other equipment from the two hunters hunting without licenses.
- Warden Ted Dremel (Waupaca) had located approximately 100 pounds of corn and a 50 pound mineral lick in Waushara County, a non-baiting county prior to the gun season. Dremel found the hunter hunting approximately 25 yards from the bait with no blaze orange and no back tag on. As the hunter climbed down from his tree stand he removed a blaze orange vest from his pocket and put it on. When asked why he wasn't wearing blaze orange in his tree stand, the hunter said he feels the camouflage he was wearing would give him an advantage while deer hunting, but he would not risk walking through the woods with no blaze orange on. The hunter said there are some really "stupid" people around and feared the possibility of being mistaken for a deer.
- Wardens Dave Youngquist and Chuck Horn (Iowa County) checked a property that was about a mile walk from the locked gate to where the farmhouse and outbuildings were. Two hunters were found with five untagged deer, a loaded rifle on the ATV and a "rock-shaped" mineral block 40 yards from his deer stand. Baiting is prohibited in Iowa County. Three of the untagged deer had been shot the day before and retrieved from the woods with the ATV and two of the deer had been shot that morning and brought back to the house untagged. The hunter said that he thought he had 24 hours to tag the deer.
- Wardens Wade Romberg (Friendship) and Mike Hirschboeck (Sturtevant) contacted one individual that was hunting while under the influence of an intoxicant. The individual was also hunting while possessing another's hunting license. It was also found that there was illegal bait on the property. Enforcement action was taken.

- During the middle of the week, Warden Supervisor Randy Falstad (WI Rapids) located a large pile of corn on a property. Warden Jon Scharbarth (Stevens Point) checked the area and determined that the corn, about a pick up truck load, was located in a field at the edge of a shooting lane for a tower stand. Wardens Scharbarth and Barry Meister (Stevens Point) contacted a hunter that was in the stand on Thanksgiving morning. This hunter stated that he knew about the corn as his son had seen it from the stand on opening day. A check of the area showed that there were also 4 huge piles of apples in other areas of shooting lanes for the stand for a total of several hundred gallons of bait in a county where baiting is banned. Additionally, it was learned that the hunter was a Minnesota resident that had been purchasing resident licenses for at least the last nine years. Enforcement action was taken.
- On opening day, Warden Matt Weber (Necedah) and Warden Supervisor Korey Trowbridge (Black River Falls) contacted three deer hunters on private property all hunting over illegal bait in Juneau County, where baiting is banned. One of the hunters being cited told the wardens he had read the pre-season article on baiting in the Wisconsin Outdoor News, which was currently inside the cabin. He also said that on Friday night the group of hunters had talked about it. Enforcement action was taken.
- On opening morning, Warden Matt Modjeski (Sparta) contacted a hunter in a plywood hunting blind in Sparta Township. The area around the blind had been baited with corn. The landowner, who placed the corn, used a grain gravity box wagon (average-sized wagon holds 800 gallons) to aid in placing hundreds of gallons of corn. Enforcement action was taken.
- **Opportunist** - Warden Novesky was working night hunting enforcement and had heard a high powered rifle shot at about 8:00pm. Novesky walked down the road and observed a person moving around in a wooded area near some cabins. Novesky followed the hunter out of the woods undetected and made contact with the hunter at the road. It was determined that the hunter was driving down the road and observed a buck standing at an illegal bait pile in front of an unoccupied cabin. The hunter then shined his headlights on the buck and shot it from his vehicle. The subject who shot the deer also did not have a valid gun deer license. The deer and a rifle were seized and several charges are pending.
- Conservation Warden Thomas Heisler and Warden Karl Brooks made eleven illegal baiting arrests on opening day of the 9-day gun deer season. Cases ranged from 5 + gallons of corn to one case which involved 5 piles totaling approximately 1+ pick up truck bed full. Warden Heisler then made five more illegal baiting cases throughout the rest of the season.
- During the gun deer season Warden Nerva and Deputy Moermond wrote 22 citations for baiting violations. Most of the baits were in the 50 to 100lb range with one being a truck load of corn.
- On opening day, Warden Blankenheim attempted to contact a subject who had placed several gravity or mechanical deer feeders on his property. Warden Peery had cited the same individual in 2005 for doing the same thing with the same feeders. The subject, who was dressed in camouflage, watched Blankenheim approach from a long distance and ran from his deer stand; the subject did, however, leave his back pack with his back tag attached to it in the deer stand. Blankenheim finally made contact with the subject on Monday, November 19. The subject stated that he was trying to keep the deer on his land instead of the neighbors.
- Wardens Blankenheim, Cork and Oginski cited a landowner and several hunters for hunting over large amounts of corn on a property and from the same stands as wardens did in 2005. Apparently in these two cases, \$530 was not a large enough deterrent for the landowners to quell their illegal behavior.

## Bond Schedule Penalties - For the years from 2000- 2007

### Illegal Baiting

Year	Bond Schedule Forfeiture	Penalty Surcharge	Court Costs	Natural Resource Surcharge	Violator Compact Surcharge	Total Placed on Citation	Maximum Total Allowed	Max. Forf. Allowed
2000	\$ 60	\$ 13.80	\$ 89	\$ 45	NA	\$ 207.80	\$ 2,066	\$ 1,000
2001	\$ 60	\$ 13.80	\$ 89	\$ 45	NA	\$ 207.80	\$ 2,066	\$ 1,000
2002	\$ 60	\$ 14.40	\$ 89	\$ 45	NA	\$ 208.40	\$ 2,066	\$ 1,000
2003	\$ 200	\$ 48	\$ 101	\$ 150	NA	\$ 499	\$ 2,091	\$ 1,000
2004	\$ 200	\$ 48	\$ 119	\$ 150	NA	\$ 517	\$ 2,109	\$ 1,000
2005	\$ 200	\$ 48	\$ 119	\$ 150	NA	\$ 517	\$ 2,109	\$ 1,000
2006	\$ 200	\$ 52	\$ 123	\$ 150	NA	\$ 525	\$ 2,133	\$ 1,000
2007	\$ 200	\$ 52	\$ 123	\$ 150	\$ 5	\$ 530	\$ 2,138	\$ 1,000

### Illegal Feeding

Year	Bond Schedule Forfeiture	Penalty Surcharge	Court Costs	Natural Resource Surcharge	Violator Compact Surcharge	Total Placed on Citation	Maximum Total Penalty	Max. Forf. Allowed
2001	NA	NA	NA	NA	NA	NA	NA	NA
2002	\$ 50	\$ 12	\$ 89	\$ 37.50	NA	\$ 188.50	\$ 300	\$ 100
2003	\$ 100	\$ 24	\$ 101	\$ 75	NA	\$ 300	\$ 300	\$ 100
2004	\$ 100	\$ 24	\$ 119	\$ 75	NA	\$ 318	\$ 318	\$ 100
2005	\$ 100	\$ 24	\$ 119	\$ 75	NA	\$ 318	\$ 318	\$ 100
2006	\$ 100	\$ 26	\$ 123	\$ 75	NA	\$ 324	\$ 324	\$ 100
2007	\$ 100	\$ 26	\$ 123	\$ 75	\$ 5	\$ 329	\$ 329	\$ 100

## Current Law – as of 2-12-08

### 29.971 General penalty provisions.

Any person who, for himself or herself, or by his or her agent or employee, or who, as agent or employee for another, violates this chapter **shall be punished as follows:**

(3) For the **violation of any statutes** or any department order **relating to the hunting**, taking, transportation or possession of game, by a forfeiture of **not more than \$1,000.**

(4) For any **violation of this chapter** or any department order **for which no other penalty is prescribed**, by a forfeiture of **not more than \$100.**

(12) **In addition to any other penalty for violation of this chapter** or any department order made under this chapter, **the court may revoke or suspend any or all privileges and approvals granted under this chapter for a period of up to 3 years**





# **Wisconsin Hunters Rights Coalition**

**Wisconsin Chapters of Safari Club International  
Wisconsin Bear Hunters' Association  
Wisconsin Chapters of National Wild Turkey Federation**

**February 12, 2008**

## **SUPPORT FOR AB 753**

**The Hunters Rights Coalition would like to go on record as supporting AB 753.**

**Although there has been much contentious discussion over the last year regarding the issue of baiting and feeding, there is no doubt that the practice is sometimes abused.**

**Current law limiting the placement of feed and the amount of feed has now been in existence for long enough that no one should have any excuse not to know the law.**

**This bill's increased penalties will give DNR law enforcement the tools that they need to effectively reduce the frequency of violations.**

**We all know that when severe penalties for poaching were introduced the number of violations dramatically declined.**

**Please join us in supporting this proposal.**

